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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/837,128 | 04/18/2001 | Tazwell L. Anderson JR. | 011997-1030 | 3095 |
| 24504 | 7590 | 10/20/2004 | EXAMINER | |
| THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948 | | | VU, NGOC K | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2611 | |

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/837,128 Examiner Ngoc K. Vu | ANDERSON ET AL. Art Unit 2611 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 8/9/2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 18-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 18-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17, drawn to a head-mounted display device, classified in class 359, subclass 630.
 - II. Claims 18-36, drawn to a receiver for receiving and selecting video content from multiple sources, classified in class 725, subclass 59.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because they are separately usable. The subcombination has separate utility such as indicated by the different limitations as outlined in the respective grouping of the different claimed inventions as illustrated above.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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5. During a telephone conversation with Evan Sotiriou on October 04, 2004 a provisional election was made without traverse to prosecute the invention of group II, claims 18-36. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-17 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 18-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rallison et al (US 5,903,395 A) in view of Vancelette (US 5,894,320 A).

Regarding claim 18, Rallison discloses a wireless handheld device (a visual display device as shown in figures 2-4 can be used with wireless communication such as infrared or radio communication – see col. 4, lines 25-28) for receiving video content, comprising:

a receiver within a housing (e.g., housing of a main component 12 – see figures 1, 4 and 5) configured to receive video content (see col. 4, lines 17-28 and col. 5, lines 15-18), said receiver configured for selectable operation by a user to select video content (e.g., selection of a video and/or audio source such as channel selection – see col. 4, lines 53-57); and

a display (image generator 72) configured to display video content (see col. 5, lines 11-44 and figures 1-8 & 15).

Rallison does not explicitly disclose receiving video content associated with an event, and video content from a plurality of predetermined sources at predetermined locations at said event. However, Vancelette discloses providing different camera angles video and audio feeds for viewing a program of sporting event such as football game to allow viewer selecting among a choice of available views (see col. 5, lines 20-34). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Rallison by providing different camera angles video and audio feeds for viewing a program of event as disclosed by Vancelette to allow viewers selectively watching a sport event with different views.

Regarding **claim 19**, the combination of Rallison and Vancelette further teaches the receiver receives from the sources audio content transmitted at the event, and further comprising an audio output configured to produce the audio content audible to the user at the event (see col. 6, lines 3-12).

Regarding **claim 20**, the combination of Rallison and Vancelette further teaches that a user interface (e.g., 535 in Vancelette's figure 5) configured to allow the user to select video content for display by the display and audio content for outputting by the audio output (see Vancelette: figure 5; col. 5, lines 21-24 and Rallison: col. 4, lines 51-57).

Regarding **claim 21**, the combination of Rallison and Vancelette further teaches that the audio content includes audio from the plurality of different sources, and further comprising a user interface (e.g., 535 in Vancelette's figure 5) configured to allow the user to select for outputting audio content from one of the sources (see Vancelette: figure 5; col. 5, lines 21-24 and Rallison: col. 4, lines 51-57; col. 6, lines 6-15).

Regarding **claim 22**, the combination of Rallison and Vancelette further teaches that the sources comprise a plurality of video cameras (12, 14 and 16) and microphones (included to capture audio content) at the event (see Vancelette: col. 6, lines 4-6).

Regarding **claim 23**, the combination of Rallison and Vancelette further teaches a user interface (e.g., 535 in Vancelette's figure 5) configured to allow the user to select for simultaneous outputting audio content from a plurality of sources (e.g., from 12, 14 and 16), and wherein the audio content from one source is output at an increased amplitude relative to the audio content from another source (e.g., announcer audio feed from one source is the most popular audio content is output at an increase amplitude relative to the audio content from another source – see Vancelette: col. 5, lines 35-47).

Regarding **claim 24**, the combination of Rallison and Vancelette further teaches that the receiver is configured to provide the video and audio content in real time (see Vancelette: col. 5, lines 25-28).

Regarding **claim 25**, the combination of Rallison and Vancelette further teaches that a user interface (e.g., 535 in Vancelette's figure 5) and wherein the receiver is configured to provide a plurality of video and audio channels selectable using the user interface (e.g., selection of a video and/or audio source such as channel selection – see Rallison: col. 4, lines 53-57).

Regarding **claim 26**, Rallison as modified by Vancelette teaches providing a program at a sporting event such as football game, and providing the video content from different camera angles and audio content from a field-level audio feed (see Vancelette: col. 5, lines 35-44 and col. 6, lines 3-11). Both fail to disclose providing live video and audio content from an automobile race. Official Notice is taken that broadcasting a live video and audio content from a sporting event such as an automobile race is well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination system of Rallison and Vancelette by broadcasting live video and audio content from an automobile race to enhance television entertainment.

Regarding **claim 27**, Rallison as modified by Vancelette teaches that a user interface (e.g., 535 in Vancelette's figure 5 and col. 5, lines 20-23) configured to allow the user to select video content for display by the display (e.g., selection of a video and/or audio source such as channel selection – see Rallison: col. 4, lines 53-57).

Regarding **claim 28**, Rallison as modified by Vancelette teaches that the video content includes video from a televised transmission of the event (see Vancelette: col. 6, line 65 to col. 7, line 18).

Regarding **claim 29**, Rallison as modified by Vancelette teaches that a user interface configured to provide interactive operation (e.g., the viewer may access all available programming via a graphical interface - see Vancelette: col. 7, lines 55-57).

Regarding **claim 30**, Rallison as modified by Vancelette teaches that a user interface configured to provide one touch operation (e.g., a touch-sensitive screen – see col. 9, lines 40-41).

Regarding **claim 31**, Rallison teaches that the display is a liquid crystal display (see col. 5, lines 39-42).

Regarding **claim 32**, Rallison teaches that the display comprises a plurality of screens (one or more visible displays can be provided – see col. 4, lines 60-61).

Regarding **claim 33**, Rallison teaches that the wireless handheld device comprises a shroud substantially surrounding the display (see col. 8, lines 8-10 and figures 1-5).

Regarding **claim 34**, Rallison as modified by Vancelette teaches that the plurality of the sources comprises a plurality of video cameras 12, 14 and 16 at the event (see Vancelette: col. 6, lines 4-6).

Regarding **claim 35**, the combination of Rallison and Vancelette teaches that a user interface and wherein the plurality of video cameras (12, 14 and 16 – see Vancelette: figure 1) provide different views of the event, the views selectable for display on the display using the

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user interface (see Vancelette: col. 5, lines 21-28 and 35-40 and Rallison: see col. 4, lines 53-57).

Regarding **claim 36**, Rallison discloses a wireless handheld device (a visual display device as shown in figures 2-4 can be used with wireless communication such as infrared or radio communication – see col. 4, lines 25-28) for displaying video content, comprising:

a receiver within a housing (e.g., housing of a main component 12 – see figures 1, 4 and 5) configured to receive video content (see col. 4, lines 17-28 and col. 5, lines 15-18); and
a display (image generator 72) configured to display video content (see col. 5, lines 11-44 and figures 1-8 & 15).

Rallison discloses selection of a video and/or audio source such as channel selection (see col. 4, lines 55-56). Rallison does not explicitly disclose receiving video content associated with an event, and video content from a plurality of sources at event, each source providing a predetermined view of the event. However, Vancelette discloses providing different camera angles video and audio feeds for viewing a program of sporting event such as football game to allow viewer selecting among a choice of available views (see col. 5, lines 20-34). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Rallison by providing different camera angles video and audio feeds for viewing a program of event as disclosed by Vancelette to allow viewers selectively watching a sport event with different views.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Examiner
Art Unit 2611

October 18, 2004